

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Preventing Interference in Public Safety	)	RM-11663
Frequencies by Requiring H Mask and Mutual	)	
Aid for Digital Technologies	)	

**OPPOSITION**

Alcatel-Lucent opposes the above-captioned Petition for Rulemaking of Harris Corporation (the “Harris Petition”) as unnecessary, repetitive and anticompetitive. Alcatel-Lucent is a long-standing, leading provider of mission-critical communications equipment and services. Alcatel-Lucent is dedicated to providing open-standards-based, robust equipment and services to its customers, as demonstrated in our work with the New Jersey Transit Corporation (“NJT”) and PowerTrunk, Inc., as well as our ongoing efforts to promote the deployment of an interoperable nationwide 700 MHz public safety broadband network.

The Harris Petition is simply one of Harris’s many filings in WT Docket No. 11-69, representing a collateral attack by Harris on NJT’s selection of Alcatel-Lucent’s proposal to meet the communications needs of NJT using PowerTrunk’s digital land mobile radio (“D-LMR”) solution in the 800 MHz band. From the moment NJT chose Alcatel-Lucent’s proposal as best meeting NJT’s needs with respect to price and functionality, Harris has explored every angle to block that decision to no avail, including by incorrectly claiming that the Commission rules did not permit NJT’s proposed operations. This led to a series of thoughtful discussions between Commission staff and various interested parties, which are

well-documented in multiple submissions in WT Docket No. 11-69, beginning in March 2012 (immediately following NJT's initial decision to choose the Alcatel-Lucent/PowerTrunk bid over the Harris bid).

In the wake of the substantial record before the Commission regarding the facts and the law surrounding the NJT decision to implement the proposal of Alcatel-Lucent and PowerTrunk, Harris appeared to have realized that the law was not in its favor and filed the Harris Petition asking for the law to be changed. Less than a month later, on May 21, 2012, the Commission confirmed that NJT's proposed operations do in fact comply with Commission rules by authorizing NJT to operate the PowerTrunk equipment (certified under Mask B) on 800 MHz public safety frequencies.<sup>1</sup>

In light of the substantial record in WT Docket No. 11-69, and the successful application submitted by NJT for its proposed operations using the PowerTrunk D-LMR solution, Alcatel-Lucent respectfully requests that the Commission decline to commence a rulemaking as proposed in the Harris Petition. The Commission already has expended substantial resources, reviewing evidence showing the benefits of PowerTrunk's technology, especially for customers with data-rich LMR needs, and the lack of technical support for Harris's claims regarding harmful interference based on certification under the B-Mask compared to the H-Mask. In fact, the PowerTrunk, B-Mask certificated D-LMR equipment provides greater spectral efficiency than other 4-slot LMR technologies, such as Harris's voice-centric Open Sky technology, and would not cause undue difficulties in the coordination process.

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<sup>1</sup> See ULS File No. 0005222152 (granted May 21, 2012).

Simply stated, PowerTrunk allows the user to do more using approximately half the channels as other LMR solutions -- such as Harris's OpenSky solution -- without causing harmful interference to adjacent users. Conversely, with OpenSky, one would need to acquire and coordinate twice as many channels to achieve a similar service as would be needed with PowerTrunk D-LMR technology. The need for twice as many channels would certainly pose its own difficulties in coordinating scarce spectrum resources. To the extent that interference concerns might arise, such concerns can be addressed through coordination, and in particular through the Regional Planning Committees, where applicable.

As to the specific issue of whether the Commission should place any type of freeze on B-Mask certificated D-LMR if the Commission opens a rulemaking, as requested by Harris, that question has been "asked and answered." With the full set of issues before it, barely a month ago, the Commission granted NJT authority to move forward with deployment of B-Mask certificated D-LMR equipment in 800 MHz public safety pool frequencies. The underpinnings of this decision have not changed, and apply equally today to NJT's proposed service as it did at the time of grant. Moreover, the Commission's decision to permit NJT to deploy B-Mask certificated D-LMR applies equally to other applicants that seek to provide D-LMR services similar to NJT. For the Commission to find otherwise, especially such a short time after granting the NJT application, would be patently arbitrary and capricious. Furthermore, that type of reversal would subject the marketplace to a level of uncertainty that would clearly disserve the public interest.

For the foregoing reasons, and as well-documented in WT-Docket No. 11-69,  
Alcatel-Lucent opposes the Harris Petition.

Respectfully submitted,

Alcatel-Lucent

/s/

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July 2, 2012

**CERTIFICATE OF SERVICE**

I, Jeffrey A. Marks, hereby certify that on July 2, 2012, a true and correct copy of the foregoing Opposition was sent by First Class Mail to the following:

Tania W. Hanna  
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\_\_\_\_\_/s/\_\_\_\_\_  
Jeffrey A. Marks